

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:20-CV-00056-KDB-DSC**

KELLY KUNDMUELLER,)
)
Plaintiff,)
)
v.) **ORDER**
)
PENTAGON FEDERAL CREDIT)
UNION AND TRANSUNION LLC,)
)
Defendants.)

THIS MATTER is before the Court on “Defendant Pentagon Federal Credit Union’s Motion to Dismiss Plaintiff’s Complaint under Rule 12(b)(6)” (document #6) filed July 15, 2020, and Plaintiff’s “Amended Complaint ...” (document #8) filed July 27, 2020.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Id.

Plaintiff filed her Amended Complaint as of right twelve days after receipt of Defendant’s Motion to Dismiss.

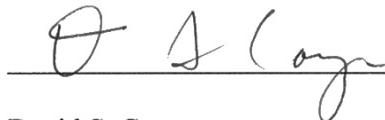
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

1. “Defendant Pentagon Federal Credit Union’s Motion to Dismiss Plaintiff’s Complaint under Rule 12(b)(6)” (document #6) is administratively **DENIED** as moot without prejudice.
2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth D. Bell.

SO ORDERED.

Signed: August 10, 2020



David S. Cayer
United States Magistrate Judge
